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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re B.P., a Person Coming Under
the Juvenile Court Law.

B283831

THE PEOPLE,

(Los Angeles County
Super. Ct. No. MJ23547)

Plaintiff and Respondent,

v.

B.P.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Denise McLaughlin-Bennett, Judge. Affirmed.

Steven A. Torres, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven A. Taryle and Pamela C. Hamanaka, Deputy Attorneys General, for Plaintiff and Respondent.

B.P. challenges the juvenile court's refusal to seal her records pursuant to Welfare and Institutions Code section 786, subdivision (a)¹ after the court found that she had not satisfactorily completed probation. We review this decision for abuse of discretion (*In re N.R.* (2017) 15 Cal.App.5th 590, 597 (*N.R.*)) and affirm.

An April 2016 delinquency petition pursuant to section 601 alleged B.P. had incurred numerous unexcused school absences and tardies between August 2015 and January 2016, a problem that could not be corrected through available resources. B.P. was in ninth grade at the time, and her school performance was "very poor." She had failed all of her classes for the Fall semester and was still failing them. She had been absent from 480 class periods. According to the probation officer, she "does not attend school and has earned zero credits to date."

Her 10th grade year began no better. She continued to be regularly truant from school. As of September 30, 2016, she had been absent from 109 class periods. She continued to fail all of her classes. The probation officer noted that both B.P. and her parents put forth little effort to improve her attendance and grades.

The court held a hearing on the petition on December 1, 2016. B.P. admitted the habitual truancy allegation, which the court sustained.² She was placed on probation at home with

¹ All undesignated statutory citations are to the Welfare and Institutions Code.

² The minute order for the hearing indicated that B.P. admitted the petition, and the court found it true. But handwritten interlineations on the petition itself indicate B.P.

conditions that she “attend school each day school is in session,” “be on time to each class,” “obey the school behavior rules,” “receive passing grades,” “attend and participate in tutoring, vocational training, recreational activities or any other activities as directed by your caregiver or Probation Officer,” and “participate in a program of counseling . . . as directed by Probation.”

Three months later, the probation officer filed a notice of probation violation pursuant to section 777, alleging B.P. had accumulated 19 unexcused full day absences, 15 period absences, three tardies, and two “T30’s (30 minutes or more late to class).” It was alleged she had also failed to participate in counseling, albeit partly due to her father refusing services. The probation officer noted, “There is a lack of parental guidance in the home and the minor has no respect for authority. It is apparent that she does not fear the consequences of her actions and she is not going to conform.” Urging that B.P. “must be held accountable for her refusal to comply with court orders,” the probation officer recommended she be ordered to the “Community Detention Program.”

At a May 1, 2017 hearing, B.P. admitted the probation violation for failing to attend school, and the court dismissed the counseling allegation.

B.P.’s attendance and academic problems continued. A June 2017 probation officer’s report indicated B.P. had made

admitted the first count for habitual truancy, although the allegation of truancy for the period between December 3, 2015 and January 1, 2016 was crossed out. Counts 2 and 3 alleging the inability to correct the problem through available resources were noted as dismissed.

“some effort” at improving school attendance since participating in an independent studies program, but she continued to accumulate unexcused absences and did not attend the last week of the school year. Her academic performance was unsatisfactory, earning only eight credits of the 60 credits required for the year. B.P.’s father continued to refuse to allow B.P. to participate in counseling.

The court held a final hearing on June 8, 2017. It terminated jurisdiction and refused to seal B.P.’s records because she had not satisfactorily completed probation. At the hearing, the court noted that “there’s been no improvement in school attendance overall. I don’t know what the court can do that will encourage her to attend school, and for that reason the court’s ruling will stand. Jurisdiction is now terminated without the benefit of the [section] 786 sealing.”

Section 786, subdivision (a) provides in relevant part, “If a person who has been alleged or found to be a ward of the juvenile court satisfactorily completes . . . (2) probation under Section 725, or (3) a term of probation for any offense, the court shall order the petition dismissed. The court shall order sealed all records pertaining to the dismissed petition.” Section 786, subdivision (c)(1) states that “satisfactory completion of an informal program of supervision or another term of probation described in subdivision (a) shall be deemed to have occurred if the person has no new findings of wardship or conviction for a felony offense or a misdemeanor involving moral turpitude during the period of supervision or probation and if he or she has not failed to substantially comply with the reasonable orders of supervision or probation that are within his or her capacity to perform.”

Section 786's sealing provision is automatic, but only upon a finding that the minor has "satisfactorily complete[d]" probation. (*In re A.V.* (2017) 11 Cal.App.5th 697, 710; see *In re I.F.* (2017) 13 Cal.App.5th 679, 689.) This requires only "substantial compliance," which is commonly understood as " 'compliance with the substantial or essential requirements of something (as a statute or contract) that satisfies its purpose or objective even though its formal requirements are not complied with.' " (*In re A.V.*, *supra*, at p. 709.) Again, this determination is committed to the discretion of the juvenile court. (*N.R.*, *supra*, 15 Cal.App.5th at p. 597.)

The juvenile court's finding that B.P. had not substantially complied with probation fell well within its discretion. B.P.'s probation condition was straightforward and reasonable: attend school. Throughout the period she was on probation, she failed to do so. While she showed some improvement as noted in the final probation report, she continued to accumulate absences and did not attend the final week of the school year. The court was understandably at a loss for identifying anything else it could do to encourage B.P. to attend school. This record supported the court terminating jurisdiction, instead of dismissing the petition, and refusing to seal B.P.'s records because she had not substantially complied with her probation. We will not disturb this discretionary finding. (See *N.R.*, *supra*, 15 Cal.App.5th at p. 599 [court properly terminated jurisdiction and refused to seal records because minor had not satisfactorily completed probation by quitting school].) We find B.P.'s contrary arguments unpersuasive.

DISPOSITION

The order is affirmed.

BIGELOW, P. J.

We concur:

GRIMES, J.

STRATTON, J.